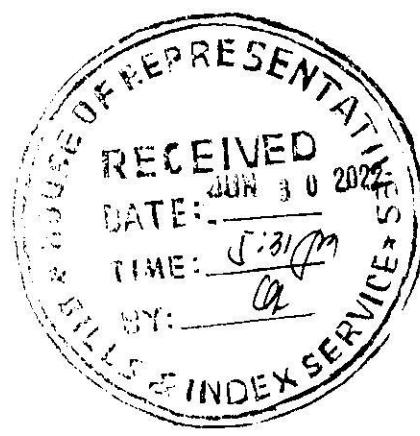


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
1st Regular Session

HOUSE BILL NO. 437



Introduced by Rep. JOHNNY PIMENTEL

1

EXPLANATORY NOTE

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5 The Constitution provides that the Philippines is a democratic and a republican
6 State. Sovereignty resides in the people and all government authority emanates
7 from them. Under this Constitutional fiat, we operationalized it with the
8 holding of popular and competitive elections.

9 With the aim to establish a systematic rule to govern elections, Batasan
10 Pambansa Blg. 881 was enacted. Section 77 of the BP Blg. 881 allows substitution
11 for persons who file their certificate of candidacy in the event of the persons'
12 death, disqualification of withdrawal. It should be noted that both grounds of
13 death and disqualification are involuntary while withdrawal is susceptible to
14 one's own volition.

15 In the past few elections, Section 77 provision allowing for one's withdrawal
16 has become susceptible to abuse and has been used by persons who file their
17 certificate of candidacy serving merely as place holders. This has allowed
18 political parties, both national and local, to field non-*bona fide* candidates merely
19 to comply with the electoral deadline of filing for candidacy in mockery of our
20 electoral system.

21 This measure seeks to rectify this mechanism and abolish withdrawal as a
22 ground for substitution. It also includes candidate place holders as nuisance
23 candidates. Furthermore, this bill penalizes the act of being a nuisance
24 candidate as an election offense to preserve the sanctity of the Philippine
25 elections.

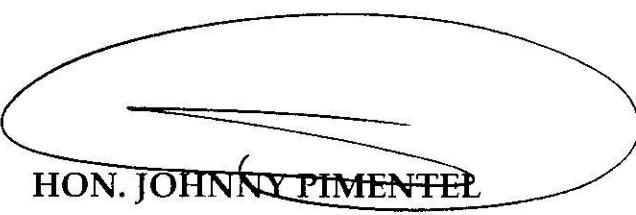
26 The passage of this measure is earnestly sought.

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HON. JOHNNY PIMENTEL

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
1st Regular Session
HOUSE BILL NO. 437

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**“AN ACT
PROHIBITING THE SUBSTITUTION OF CANDIDATES BY REASON OF
WITHDRAWAL, AMENDING FOR THE PURPOSE SECTIONS 69, 77 AND 262 OF
BATAS PAMBANSA BILANG 881, OTHERWISE KNOWN AS THE OMNIBUS
ELECTION CODE, AS AMENDED”**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 69 of Batas Pambansa Blg. 881, also known as the "Omnibus Election Code of the Philippines," is hereby amended to read as follows:

"Section 69. Nuisance candidates. - The Commission may motu proprio or upon a verified petition of an interested party, refuse to give due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate.

A PERSON IS DEEMED TO HAVE NO *BONA FIDE* INTENTION TO RUN FOR OFFICE IF SHOWN OR HAS EXPRESSED, DIRECTLY OR INDIRECTLY, THAT HE OR SHE ONLY FILED A CERTIFICATE OF CANDIDACY FOR THE PURPOSE OF SERVING AS A PLACE HOLDER. VIOLATION OF THIS SECTION SHALL ALSO CONSTITUTE AS ELECTION OFFENSE PUNISHABLE IN THIS CODE."

SEC. 2. Section 77 of BP Blg. 881 is hereby amended to read as follows:

“Section 77. Candidates in case of death, disqualification or PERMANENT INCAPACITY [withdrawal] of another. - If after the last day for the filing of certificates of candidacy, an official

1 candidate of a registered or accredited political party dies,
2 **BECOMES PERMANENTLY INCAPACITATED** [withdraws] or is
3 disqualified for any cause, only a person belonging to, and
4 certified by, the same political party may file a certificate of
5 candidacy to replace the candidate who died, **BECAME**
6 **PERMANENTLY INCAPACITATED** [withdrew] or was
7 disqualified. The substitute candidate nominated by the political
8 party concerned may file his certificate of candidacy for the office
9 affected in accordance with the preceding sections not later than
10 mid-day of the day of the election. If the death, **BECOMES**
11 **PERMANENTLY INCAPACITATED** [withdrawal] or
12 disqualification should occur between the day before the election
13 and mid-day of election day, said certificate may be filed with any
14 board of election inspectors in the political subdivision where he
15 is a candidate, or, in the case of candidates to be voted for by the
16 entire electorate of the country, with the Commission.”

17
18 SEC. 3. Section 77 of BP Blg. 881 is hereby amended to read as follows:

19
20 **“Section 262. Other election offenses.** - Violation of the
21 provisions, or pertinent portions, of the following sections of this
22 Code shall constitute election offenses: Sections 9, 18, **69**, 74, 75,
23 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 95, 96, 97, 98, 99, 100,
24 101, 102, 103, 104, 105, 106 107, 108, 109, 110, 111, 112, 122,
25 123, 127, 128, 129, 132, 134, 135, 145, 148, 150, 152, 172, 173,
26 174, 178, 180, 182, 184, 185, 186, 189, 190, 191, 192, 194, 195,
27 196, 197, 198, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,
28 212, 213, 214, 215, 216, 217, 218, 219, 220, 223, 229, 230, 231,
29 233, 234, 235, 236, 239 and 240.”

30
31 SEC. 4. *Implementing Rules and Regulation.* – The Commission on Elections
32 shall promulgate and issue the rules and regulations necessary to implement the
33 provisions of this Act.

34
35 SEC. 5. *Separability Clause.* – If any portion or provision of this Act is declared
36 unconstitutional, the same shall not affect the validity and effectiveness of the other
37 provisions not affected thereby.

38

1 SEC. 6. *Repealing Clause.* - All laws, presidential decrees, letters of
2 instructions, executive orders, rules, regulations, and other issuances or parts thereof
3 which are contrary to or inconsistent with the provisions of this Act are hereby revoked,
4 repealed, amended or modified accordingly.

5

6 SEC. 7. *Effectivity Clause.* – This act shall take effect fifteen (15) days following
7 the completion of its publication in the Official Gazette or in at least one (1) newspaper
8 of general circulation.

Approved,

